

PARTIES

5. Plaintiff is a natural person who resides in Columbus, Franklin County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware corporation and a debt collector with an office in Warren, Michigan.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Starting in September 2010 and continuing into late 2011, Defendant, from its phone numbers of 614-824-1944 and 757-209-2037, has contacted Plaintiff on an excessive and repeated basis regarding another individual's debt.
11. For example, in September 2011, Plaintiff received telephone calls from Defendant for a “Michael J. Abbott” on September 5, 6, 7, 8, 12, 13, 14, 15, 16, 19, 20, 21, 22, and 23, among other occasions.

12. On September 23, 2011, Plaintiff informed Defendant it was calling the wrong person and told it to cease contacting her. Defendant requested personal information, including Plaintiff's social security number. Defendant informed Plaintiff that if she did not give it her social security number it would not help her. Plaintiff requested multiple times to speak to a supervisor and was informed that there was no one available.
13. Defendant told Plaintiff on several occasions it would cease calling her, yet continued to do so.
14. In spite of being told repeatedly it had the wrong contact information, Defendant began sending letters to Plaintiff's address that were addressed to a "Michael J. Abbott."
15. Defendant began calling Plaintiff again in November 2011. Defendant began calling Plaintiff several times a day. Defendant would block the caller identification feature and refused to identify itself. When Plaintiff asked if it was "Asset" calling, Defendant would hang up. Defendant placed calls on November 5, 6, 7, 9 (three calls), 10, 12 (twice), 13 (twice), 14 (twice), 15 (three times), 16 (twice), 17, and 18.
16. Plaintiff called Defendant on November 12th and November 16th and was informed both times that she would receive no further calls as her number had been blocked.
17. Despite Plaintiff's requests that Defendant discontinue its errant calls to her home, and representation from the Defendant that her number has been blocked,

Defendant continued to place calls to Plaintiff in the days and weeks following the November 16, 2011 call.

18. Defendant in fact acknowledged on November 23, 2011 by letter to the Ohio Attorney General that Plaintiff's number was still active in their system, would be marked as not a good number in their system, and that this action would prevent Plaintiff receiving further calls.

19. Defendant's ongoing calls, after being advised that it was calling the wrong number and asked to cease further contact, were made with the intent to harass and annoy Plaintiff as the call recipient.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

20. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- c. Defendant violated §1692b(3) by, in a communication with a person other than the consumer, communicating with that person more than once unless requested to do so by that person, or without the reasonable belief that the earlier response was erroneous or incomplete and that the person

now has correct or complete location information.

- d.* Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.

WHEREFORE, Plaintiff, Deborah Abbott, respectfully requests judgment be entered against Defendant, for the following:

21. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
23. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Deborah Abbott, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ Daniel Scharville

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